

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, December 14, 2006

+ Back Print

**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No 60**

Subject C14-05-0179 - Spring Lake Subdivision - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9009 Spring Lake Drive (Bull Creek Watershed) from rural residence (RR) district zoning to single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning First reading approved on August 24, 2006 Vote 7-0 Applicant Rahul Deshmukh and Mrudula Yadav Agent Land Answers (Jim Witliff) City Staff Sherrri Sirwaitis, 974-3057 A valid petition has been filed in opposition to this rezoning request

Additional Backup Material

(click to open)

- Staff Report
- Petition

For More Information Sherrri Sirwaitis, 974-3057

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER C14-05-0179 (Spring Lake Subdivision)

REQUEST

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 9009 Spring Lake Drive from RR, Rural Residence District, zoning to SF-1-CO, Single-Family Residence-Large Lot-Conditional Overlay District, zoning

The ordinance and public restrictive covenant reflect those conditions imposed by Council on 1st reading

PROPERTY OWNER Rahul Deshmukh and Mrudula Yadav

AGENT Land Answers (Jim Wittliff)

ISSUES

On August 3, 2006, the staff received an e-mail from the agent requesting to amend this case to include conditions that he proposed in discussions with the neighborhood (Proposed Case Limitations and Conditions Agreed to by the Applicant – Attachment D) The staff has determined that the following items can be incorporated into a draft ordinance or public restrictive covenant for this zoning case

- 1) To limit the SF-1 rezoning request to an approximately 0.36 acre area along the southern portion of the property and leave the remainder of the site zoned RR This can be accomplished through new field notes provided by the applicant to remove a portion of the rezoning request
- 2) The proposed single-family residential lot must be located a minimum distance of fifty (50) feet from the edge of the wetland on the property The City can require a fifty (50) foot building setback from the existing wetland location through a conditional overlay
- 3) A maximum of 2,500 square feet of impervious cover will be allowed on the proposed residential lot The applicant will also need to limit the impervious cover to a percentage of the property in question
- 4) The maximum building footprint for the proposed single-family structure shall be limited to 1,500 square feet in size and the total floor to area for the proposed single family use will be limited to 3,000 square feet The requested SF-1 zoning will limit the property to thirty-five (35) feet in height

The staff received the neighborhood's response to the applicant's amendment proposal in an e-mail on August 14, 2006 (Neighborhood's Response – Attachment E) The neighborhood has stated that they cannot except the conditions offered by the property owner and remain in opposition to the rezoning request

On December 14 2005, the staff received new information concerning environmental constraints for the site under consideration from Mike Lyday of the City of Austin Environmental Resource Management Division (Attachment A) Mr Lyday submitted a follow up memo to the staff regarding conditions on the site on June 5, 2006 (Attachment B)

In addition, the staff received a petition from adjacent property owners who are opposed to any zoning other than 'RR' on the site (Attachment C) This petition is valid at 34.69% (revised on November 14, 2006 based on the applicant's amendment of the case to a 0.36 acre area) and therefore will require an affirmative vote of three-fourths of the members of Council to approve a proposed rezoning

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote

Sec 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if*
- (1) *the Land Use Commission recommends denial of an application to rezone property to a planned unit development, or*
 - (2) *the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land*
 - (a) *included in the proposed change, or*
 - (b) *immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area*

DEPARTMENT COMMENTS

The property in question is currently undeveloped. The site slopes to the east and is covered by several large trees. The applicant is requesting a rezoning from RR to SF-1 to subdivide this tract of land into three lots to construct new single family residences on the property. The staff recommends the applicant's request for SF-1 zoning because the property fronts onto a local collector street, Spring Lake Drive. The site is located adjacent to existing SF-1 zoning and single family residential uses to the south and west.

The applicant agrees with the City Council's recommendation at first reading.

DATE OF FIRST READING/VOTE

August 24, 2006 / Approved SF-1-CO zoning with the changes and direction to staff (7-0), Council Member Kim-1st, Mayor Pro Tem Dunkerley-2nd. The changes were limit the buildings on the property to a single residence, provide a 50-foot setback from the wetland area, reduce the size of the original zoning request to .36 acres, limit the impervious cover on the property to 2,500 square feet, limit the building coverage to 1,500 square feet, allow for only one tree to be removed, and require a pier and beam construction instead of a slab on grade. Staff was directed to bring flood information for this site back to Council.

CITY COUNCIL DATE December 14, 2006

CITY COUNCIL ACTION

ASSIGNED STAFF Sherril Sirwaitis

PHONE 974-3057

sherril_sirwaitis@c1.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE C14-05-0179

Z A P DATE November 15, 2005

ADDRESS 9009 Spring Lake Drive

OWNER/APPLICANT Rahul Deshmukh and Mrudula Yadav

AGENT Land Answers (Jim Wittliff)

ZONING FROM RR TO SF-1 AREA 1.350 acres

SUMMARY STAFF RECOMMENDATION

The staff's recommendation is to grant SF-1, Single-Family Residence-Large Lot District, zoning

ZONING AND PLATTING COMMISSION

11/15/05 Approved SF-1-CO zoning limited to two residential units (7-0, J Gohil, J Martinez-absent), M Hawthorne-1st, T Rabago-2nd)

ISSUES

On August 3, 2006, the staff received an e-mail from the agent requesting to amend this case to include conditions that he proposed in discussions with the neighborhood (Proposed Case Limitations and Conditions Agreed to by the Applicant – Attachment D) The staff has determined that the following items can be incorporated into a draft ordinance or public restrictive covenant for this zoning case

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The staff received the neighborhood's response to the applicant's amendment proposal in an e-mail on August 14, 2006 (Neighborhood's Response – Attachment E) The neighborhood has stated that that they cannot accept the conditions offered by the property owner and remain in opposition to the rezoning request

On December 14, 2005, the staff received new information concerning environmental constraints for the site under consideration from Mike Lyday of the City of Austin Environmental Resource Management Division (Attachment A) Mr Lyday submitted a follow up memo to the staff regarding conditions on the site on June 5, 2006 (Attachment B)

In addition, the staff received a petition from adjacent property owners who are opposed to any zoning other than 'RR' on the site (Attachment C) This petition is valid at 34.69% (revised on November 14, 2006 based on the applicant's amendment of the case to a 0.36 acre area) and therefore will require an affirmative vote of three-fourths of the members of Council to approve a proposed rezoning

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 - (2) *the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land*
 - (a) *included in the proposed change or*
 - (b) *immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area*

DEPARTMENT COMMENTS

The property in question is currently undeveloped. The site slopes to the east and is covered by several large trees. The applicant is requesting a rezoning from RR to SF-1 to subdivide this tract of land into three lots to construct new single family residences on the property. The staff recommends the applicant's request for SF-1 zoning because the property fronts onto a local collector street, Spring Lake Drive. The site is located adjacent to existing SF-1 zoning and single family residential uses to the south and west.

The applicant agrees with the staff's recommendation, but not the Zoning and Platting Commission recommendation.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
Site	RR	Undeveloped
North	RR	Golf Course
South	SF-1	Single-Family Residences
East	RR	Golf Course
West	SF-1	Single-Family Residences

AREA STUDY· N/A

TIA· Not Required

WATERSHED· Bull Creek

DESIRED DEVELOPMENT ZONE· No

CAPITOL VIEW CORRIDOR N/A

HILL COUNTRY ROADWAY No

NEIGHBORHOOD ORGANIZATIONS

- 115 – Balcones Village-Spicewood H O A
- 157 – Courtyard Homeowners Association
- 426 – River Place Residential Community Association, Inc
- 475 – Bull Creek Foundation

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0064 06D	SF-1 to P	5/18/99 Approved staff rec of 'P' (8-0)	7/15/99 Approved PC rec of 'P' (6-0), all 3 readings

RELATED CASES: N/A

ABUTTING STREETS.

Name	ROW	Pavement	Classification
Spring Lake Drive	50'	30'	Local
Jolly Hollow Drive	50'	28'	Local

CITY COUNCIL DATE December 15, 2005

ACTION Postponed to January 12, 2006 at the staff's request (7-0)

January 12, 2006

ACTION Postponed to June 8, 2006 at the applicant's request (6-0, Councilmember Thomas-absent) The staff will send resend notification of the public hearing

June 8, 2006

ACTION Postponed to June 22, 2006 at the staff's request (7-0)

June 22, 2006

ACTION Postponed to July 27, 2006 at staff's request by consent (7-0)

July 27, 2006

ACTION Postponed to August 24, 2006 at the neighborhood's request by consent (7-0), McCracken-1st, Leffinwell-2nd

August 24, 2006

ACTION Approved SF-1-CO zoning with the changes and direction to staff (7-0), Council Member Kim-1st, Mayor Pro Tem Dunkerley-2nd The changes were limit

the buildings on the property to a single residence, provide a 50-foot setback from the wetland area, reduce the size of the original zoning request to 36 acres, limit the impervious cover on the property to 2,500 square feet, limit the building coverage to 1,500 square feet, allow for only one tree to be removed, and require a pier and beam construction instead of a slab on grade. Staff was directed to bring flood information for this site back to Council.

December 14, 2006

ACTION

ORDINANCE READINGS 1st 8/24/06

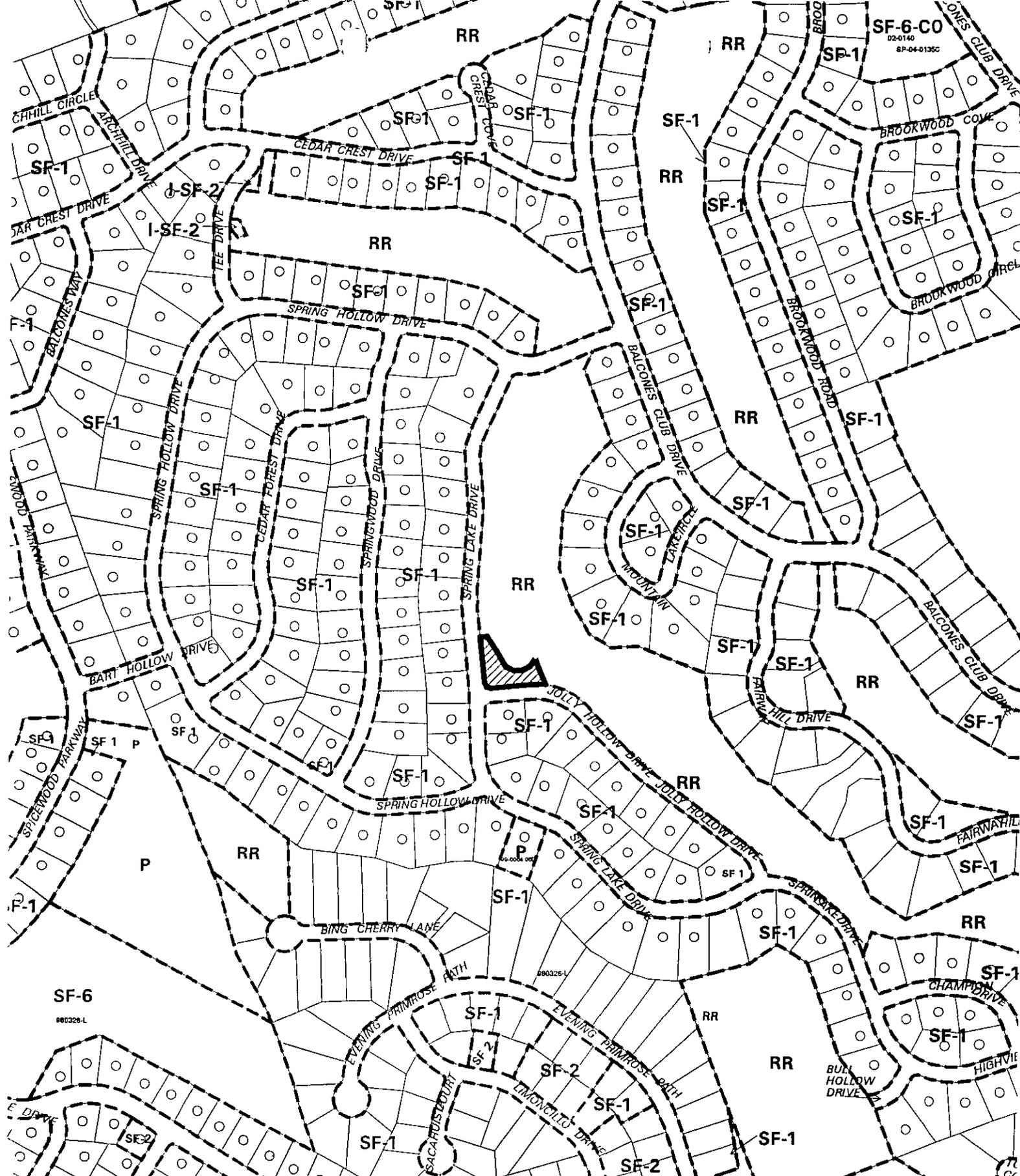
2nd

3rd

ORDINANCE NUMBER

CASE MANAGER Sherri Sirwaitis

PHONE 974-3057,
sherri_sirwaitis@ci.austin.tx.us



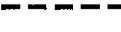
SF-6-CO
02-0140
87-04-0135C

CASE # C14-05-0179
ADDRESS 9009 SPRING LAKE DR
SUBJECT AREA (acres) 0.369

ZONING

DATE 06-12 (12-05-06)
INTLS SM

CITY GRID
REFERENCE
NUMBER
F37

- SUBJECT TRACT 
- PENDING CASE 
- ZONING BOUNDARY 
- CASE MGR S SIRWAITIS



STAFF RECOMMENDATION

The staff’s recommendation is to grant SF-1, Single-Family Residence-Large Lot District, zoning

BASIS FOR RECOMMENDATION

- 1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Single-family residence large lot (SF-1) district is the designation for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.

- 2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning promotes consistency and orderly planning because there are existing single family residential uses to the south and west of this site. The property in question is located adjacent to SF-1 zoning and fronts onto a local collector street, Spring Lake Drive.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped. This tract of land slopes to the east and is covered by several large trees.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the SF-1 zoning district would be 40%. However, if the Watershed impervious cover is more restrictive than the SF-1 zoning district’s allowable impervious cover, the impervious cover on this site could be limited by the watershed ordinance.

The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City’s Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers	Allowable Density
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 57 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification
Spring Lake Drive	50'	30'	Local
Jolly Hollow Drive	50'	28'	Local

Capital Metro bus service is not available within 1/4 mile of this property.

There are no existing sidewalks along Spring Lake Drive or Jolly Hollow Drive and neither street is included in the Bicycle Plan.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades to serve each lot. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable city fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

No comments



INTEROFFICE MEMORANDUM

TO Sherrí Sirwaitis, Zoning Case Manager

FROM Mike Lyday, Environmental Resource Management Division (ERM)

DATE December 14, 2005

SUBJECT Spring Lake Zoning Case # C14-05-0179

At the request of Paula Cushman and for your information, I investigated the above referenced site for the presence of wetland critical environmental features (CEFs). The site had previously been assessed by the Austin's Water and Wastewater Department several years ago, and an independent environmental consultant (Hicks and Company) reported a wetland adjacent to a tributary to Bull Creek. I can verify that a significant wetland is supported in the same location, which happens to be on the tract of land you are now considering for rezoning to single family status. An obligate wetland plant community is present, underlain by wetland hydrology, saturating soils to the surface. Therefore, this wetland meets the Army Corps' 1987 Criteria Manual technical definition and is protected as a CEF by Austin's Land Development Code, Section 25-8-282.

By my estimates, the wetland is approximately 150' long and 75' wide. The wetland is accurately delineated on Dannenbaum Engineering's wastewater site plan, Wastewater Department File # 99-0037, Project 6-Phase A, Sheet 44 of 118, May 3, 2001. This project was a centralized wastewater retrofit for the Balcones Country Club area, formerly served by septic fields. As a result of the environmental assessment, the wastewater line was placed as far from the wetland as possible, under Spring Lake Drive.

This wetland is significant because of the many environmental services it renders, including water quality filtration of golf course stormwater runoff, storing water for base flow to the adjacent tributary, providing added flood and erosion protection, and preserving urban wildlife habitat. In addition to the wetland, the stream course is populated by a mature riparian forest and provides the same services as the wetland itself. For these reasons, I recommend the standard CEF setback of 150' from the edge of the wetland. In addition to the wetland setback, I noted that the wastewater site plan also shows the tributary to be classified as a minor waterway with a 50 foot critical water quality zone. Therefore, I don't see how there would be enough room for any houses on this site, even if there were not a wetland CEF and setback.

Sherrí, I hope this information helps you with the rezoning case. Please call me at 974-2956 if you have any questions or need additional assistance. Thank you for including ERM in your assessment of environmental resources for this case.

Mike Lyday
Senior Environmental Scientist
Watershed Protection and Development Review Department

C Ed Peacock
Paula Cushman



INTEROFFICE MEMORANDUM

TO Sherrí Sirwaitis, Zoning Case Manager

FROM Mike Lyday, Environmental Resource Management Division (ERM)

DATE June 5, 2006

SUBJECT Follow-up Spring Lake Zoning Case # C14-05-0179

The applicant's engineering consultant for the above referenced case, Jim Wittliff, has come by my office to discuss my recommendations for wetland setbacks (see memo to you, 12-14-05). As you know, I recommended the standard 150' setback for the wetland critical environmental feature (CEF) supported on the subject tract. Jim asked if the setback could be reduced to allow one home on the site. My answer was as follows:

"A variance from Austin's Land Development Code would be required to reduce the setback to less than 50'. An administrative variance could be allowed to reduce the setback or allow mitigation for the loss of the wetland; however, this is not my recommendation for optimal protection of the wetland and adjacent stream course. If the applicant wishes to be granted a variance from the recommended CEF setback during the subdivision and site plan review, the 'findings of fact' must be met for a variance and approved by City boards and commissions. If 'findings of fact' are met and approved for the construction of one home on the property, my recommendation would be that the home be built downstream and at least 50' from the wetland, near the intersection of Jolly Hollow Drive and Spring Lake Drive."

Sherrí, this wetland was originally identified by an environmental consultant during the construction of a wastewater line along Spring Lake Drive (5-3-01). At that time, the setback for the wetland was proposed to be 75' for the wastewater line construction. The potential impact to a wetland critical environmental feature is greater with commercial or residential home construction (i.e. more land is disturbed or covered than with a wastewater line). This is why I recommended the standard 150' setback in this case. Nevertheless, I don't think there would be room for a home even with a 75' wetland setback. It's a shame that the applicant purchased the property without knowledge of the wetland issue.

I assume that our Land Development Code did not protect CEFs at the time the Spring Lake Subdivision was permitted (probably late 1970s). This is why home lots and roadways are currently within 150' of the wetland.

Sherrí, thank you for including ERM in your assessment of environmental resources for this case. If you have any questions, please call me at 974-2956.

Mike Lyday, Senior Environmental Scientist
Water Resources Evaluation Section, ERM
Watershed Protection and Development Review Department

C Ed Peacock, Jim Wittliff, Paula Cushman

Attachment C

PETITION

Case Number:

C14-05-0179

Date

Dec 5, 2006

Total Area within 200' of subject tract: (sq ft)

259,009.99

1	<u>01-6813-0301</u>	<u>CEFAI SUSAN & PAUL DIMASI</u>	<u>3,511.49</u>	<u>1.36%</u>
2	<u>01-7013-1218</u>	<u>LOZANO ALBERT G & CAROL M</u>	<u>10,800.67</u>	<u>4.17%</u>
3	<u>01-7013-1219</u>	<u>CUSHMAN ALBERT & PAULA</u>	<u>15,758.16</u>	<u>6.08%</u>
4	<u>01-7013-1220</u>	<u>BOMMARITO ANTHONY & EVELYN</u>	<u>16,182.78</u>	<u>6.25%</u>
5	<u>01-7013-1221</u>	<u>JOHN PETER S & JAN R</u>	<u>16,892.15</u>	<u>6.52%</u>
6	<u>01-7013-1222</u>	<u>WANGUHU KAMAU & NJAMBI</u>	<u>13,528.03</u>	<u>5.22%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
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25				<u>0.00%</u>

Validated By:

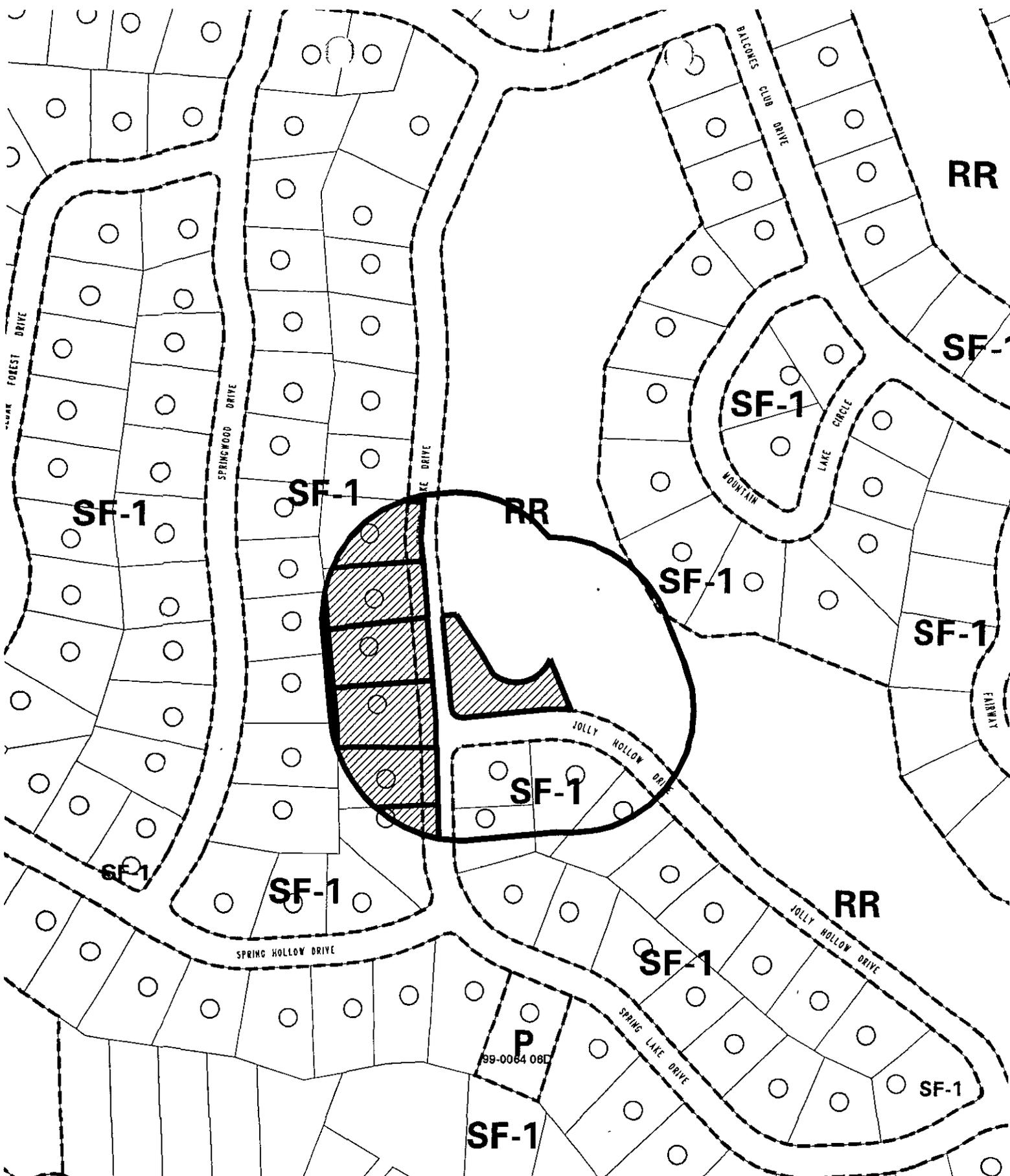
Stacy Meeks

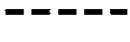
Total Area of Petitioner:

76,673.28

Total %

29.60%



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: S SIRWAITIS

CASE #: C14-05-0179
 ADDRESS: 9009 SPRING LAKE DR
 SUBJECT AREA (acres): 0.369

PETITIONS

DATE 06-12 (12/05/06)
 INTLS SM

CITY GRID
 REFERENCE
 NUMBER
 F37

1" = 200'

P E T I T I O N

Date 12/9/05

File Number C14-05-0179

Address of
Rezoning Request 9009 Spring Lake Dr

To Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than RR

We are against the development of this property due to the fact that the area floods with every rain and a literal river flows through the creek (which runs through the property) during heavy rains There is also a potential that any building could cover springs that release waters on the site. Also the site is several feet below the sewer lines giving to a potential sewer spillage into the waters that flow into the water shed after every rain This area over the last 30 years has become a habitat for wildlife of all kinds from around the area

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
(Albert) Jerry + Carol Lozano	JERRY + CAROL LOZANO	9109 Spring Lake Dr
Njambi Hanguhu	Njambi Hanguhu	9008 Spring Lake Dr
Anthony Bommarito	ANTHONY + EV BOMMARITO	9012 Spring Lake Dr.
Al + Paula Cushman	Al + Paula Cushman	9014 Spring Lake Dr.
Robert + Catherine McDonald	Robert + Catherine McDonald	9102 Spring Lake Drive
Elizabeth Stoneback	ELIZABETH STONEBACK	9106 Spring Lake Dr
Tyka Wilson	TYKA WILSON	9108 Spring Lake Dr.
Paul DiMasi	PAUL DIMASI	9006 SPRING LAKE DR.
Susan Cefai	SUSAN CEFAI	9006 SPRING LAKE DR.
Peter + Jan John	Peter + Jan John	9010 Spring Lake Dr
Ten + Daris Hale	Ten + DARIS HALE	9104 Spring Lake Dr.

Date 12/9/05

Contact Name Jerry Lozano
Phone Number 791-7400

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0179
Contact: Sherril Sirwaitis, (512) 974-3057
Public Hearing:
November 15, 2005 Zoning and Platting Commission



ANTHONY BOMMARITO
Your Name (please print)

9012 SPRING LAKE DRIVE

Your address(es) affected by this application AUSTIN, TX 78750-2953

Anthony Bommarito
Signature

Date

November 10, 2005

Comments: There should be NO building or construction on the property at 9009 Spring Lake Drive for the following reasons:

1. 100+ year old trees will be destroyed that are on the property
 2. There is "Wild life" and "Birds" that will be moved or displaced
 3. A light rain produces a river - a definite flooded area
 4. Underwater springs and drainage from the entire area is channeled onto this property
- No action of any kind should be taken on this area until an ecological study is done to determine the problem that building on this property would create.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherril Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0179
Contact: Sherril Sirwaitis, (512) 974-3057
Public Hearing:
November 15, 2005 Zoning and Platting Commission



Al and Paula Cushman
Your Name (please print)

9014 Spring Lake Dr.

Your address(es) affected by this application

Paula Cushman
Signature

Date

11-9-05

Comments: We strongly object to the rezoning. For the following reasons: 1. during heavy rains this area frequently floods due to the creek and pond runoff; 2. there is wild life living there that would have to be relocated; 3. a considerable amount of trees would have to be cut down to build on the property; 4. we feel before any consideration of rezoning this property there should ~~be~~ be an ecological study of the property to see how it would change runoff due to the creek and underground springs

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherril Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice

Case Number: C14-05-0179

Contact: Sherril Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

Sherril Sirwaitis

Your Name (please print)

9010 SPRING LAKE DRIVE

Your address(es) affected by this application

Sherril Sirwaitis

Signature

Date

11/15/05

Comments: FROM KNOWLEDGE RESEARCHER, THESE

LOTS ARE NEARLY PRONE TO FLOODING, ANY BREAK IN STREET

CURBS WILL DUMP RAIN WATER INTO END OF HOUSE. FLOOD

PROT. STRUCTURES WILL BE DIFFICULT & EXPENSIVE TO BUILD,

CHANGE IN ZONING IS NOT RESPONSIBLE ACTION BY COMMUNITY

OR ZONING AUTHORITIES, LAND SHOWS CLEAR SIGNS OF

FLOODING & OVERFLOW ARE PRESENT IN AREAS WHERE

PROT. WOULD BE BUILT,

LAND IS ALSO A HABITAT FOR LARGE ANIMAL POPULATION, I.E.,

DEER, ORYX, BIRDS, SKUNK, ETC.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherril Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

ALL HOMES ON SPRING LAKE WERE SUBMITTED WITH THE

KNOWLEDGE UNDESIRABLE THAT THIS LAND WOULD NOT

BE BUILT



Sirwaitis, Sherri

From: Development Review & Inspection
Sent: Tuesday, November 15, 2005 11:51 AM
To: Sirwaitis, Sherri
Subject: FW: devweb - Case Number C14-05-0179

Sherri,

Could you help out with this? I believe it was your case.

Neil Galati

for

Steve Wilkinson, AICP
Watershed Protection & Development Review Department City of Austin, TX.
512-974-2657
<http://www.ci.austin.tx.us/development/>

-----Original Message-----

From: Jerrylsis@aol.com [mailto:Jerrylsis@aol.com]
Sent: Monday, November 14, 2005 5:40 PM
To: devweb@ci.austin.tx.us
Subject: devweb - Case Number C14-05-0179

Date/Time Submitted: Monday, 11/14/05, 1739 hours

From: Albert Lozano

E-mail address: Jerrylsis@aol.com

Subject: Case Number C14-05-0179

Comments:

I want to voice our objection to the rezoning of 9009 Spring Lake Dr.

Sirwaitis, Sherri

From: landanswers [landanswers@sbcglobal.net]
Sent: Thursday, August 03, 2006 11 41 AM
To: jerrylsis@aol.com
Cc: rahul_deshmukh@dell.com, Sirwaitis, Sherri
Subject: Zoning Case C14-05-0179

Dear Jerry,

I wanted to again thank you, Al and Paula Cushman for taking time to meet with Rahul Deshmukh and me to discuss issues related to this rezoning case. I would appreciate if you can forward this letter to Paula and Al, since I only have your email address

As we discussed, Rahul has agreed to the following limitations and conditions as part of the rezoning application:

1) The SF-1 rezoning tract will be limited to approximately 0.36 acre along the southern portion of the property, as we showed in the sketch we provided you with. The remaining approximately 0.99 acre of the site will remain RR. We will provide the City's Case Manager with field notes describing the proposed SF-1 tract prior to third reading of the zoning ordinance. We believe this will provide additional assurance to the Spring Lake Rezoning Committee that the remainder of this property can never be residentially developed, since RR zoning requires a minimum one acre of land area.

2) We will limit the rezoning request to a maximum of one single family residence.

3) The proposed lot for the single family residence must be located a minimum distance of fifty feet from the edge of the wetland.

4) A maximum of 2,500 square feet of impervious cover will be allowed on the proposed residential lot.

5) The only tree shown on the tree survey prepared by GEO Land Services that can be removed as part of the residential development is a nine inch diameter hackberry, listed on the survey as tree #550. All other trees are to be preserved and retained.

6) The maximum size footprint for the house shall be 1,500 square feet. The home shall be limited to two stories and a total floor area of 3,000 square feet.

7) The foundation for the proposed home shall be pier and beam, not slab-on-grade.

8) During the subdivision approval process it is Rahul's intention to offer to dedicate the 0.99 acre RR tract (including the wetland) to the City of Austin as a perpetual Conservation Easement. However, this dedication shall be conditioned on an agreement from the City of Austin to maintain the vegetation by means of a reasonable tree care and mowing schedule.

Please let us know if you recall any other conditions that we discussed that are not included in this letter. We also recognize that other neighbors and interested parties may have other questions or suggestions that may result in additional restrictions and conditions to those already listed. We will be

8/16/2006

happy to attend additional meetings if you feel they might be beneficial

By means of this letter, I am requesting that Sherrí Sirwaitis, the City's Case Manager, incorporate as many of these conditions and restrictions as possible into a Conditional Overlay that shall be part of the rezoning ordinance, and shall be enforceable by the City of Austin. Any remaining conditions or restrictions can be put into a private Restrictive Covenant between the property owner and the neighborhood, which can then be recorded at Travis County.

Again, thank you for your time and efforts to meet with us. Please feel free to call or email me at any time if there is a need for further discussions or additional meetings.

Sincerely,
Jim Wittliff

Land Answers
611 S. Congress Avenue, Suite 330
Austin, Texas 78704
(512) 416-6611
Fax (512) 416-6610

8/16/2006

Sirwaitis, Sherri

From: paula cushman [pscush@yahoo.com]
Sent: Monday, August 14, 2006 8:55 AM
To: landanswers@sbcglobal.net
Cc: Sirwaitis, Sherri
Subject: Rezoning Case Number C14-05-0179

Dear Mr. Withiff:

Thank you for meeting with us last week. We've discussed Mr. Deshmukh's proposed plan with our neighbors, and the consensus is to continue our opposition to the project for the following reasons:

1. That property contains a very fragile environment. It made sense for the City to allow a variance of 75 feet from the required 150 foot setback for the installation of a waste water line because a) the construction was in the middle of the street, and, therefore; minimally invasive, b) once installed, the waste water line no longer impacted the area, and c) it was for the benefit of the whole community

However, it doesn't make sense to endanger that area by a) allowing an even greater variance from the required 150 foot setback and b) allowing construction of a permanent structure with ongoing family activity in this sensitive area to the detriment of the environment and to the rest of the community.

2. In addition to the wetland issues, we have serious concerns about the amount of water that flows over that land from various sources, and about flooding that may result from building on it

We sympathize with Mr. Deshmukh's situation, and hope that he will take advantage of other legal remedies available to him. At the very least, he should have been apprised prior to the sale that the wetland was originally identified in 2001, when the City constructed the waste water line along Spring Lake Drive.

Sincerely,

Paula Cushman
Representative for the Spring Lake Residents

Talk is cheap. Use Yahoo! Messenger to make PC-to-Phone calls Great rates starting at 1¢/min

8/14/2006

COPY

PETITION

Case Number

C14-05-0179

Date

Dec. 5, 2006

Total Area within 200' of subject tract. (sq. ft)

259,009.99

1	<u>01-6813-0301</u>	<u>CEFAI SUSAN & PAUL DIMASI</u>	<u>3,511.49</u>	<u>1.36%</u>
2	<u>01-7013-1218</u>	<u>LOZANO ALBERT G & CAROL M</u>	<u>10,800.67</u>	<u>4.17%</u>
3	<u>01-7013-1219</u>	<u>CUSHMAN ALBERT & PAULA</u>	<u>15,758.16</u>	<u>6.08%</u>
4	<u>01-7013-1220</u>	<u>BOMMARITO ANTHONY & EVELYN</u>	<u>16,182.78</u>	<u>6.25%</u>
5	<u>01-7013-1221</u>	<u>JOHN PETER S & JAN R</u>	<u>16,892.15</u>	<u>6.52%</u>
6	<u>01-7013-1222</u>	<u>WANGUHU KAMAU & NJAMBI</u>	<u>13,528.03</u>	<u>5.22%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
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23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>

Validated By:

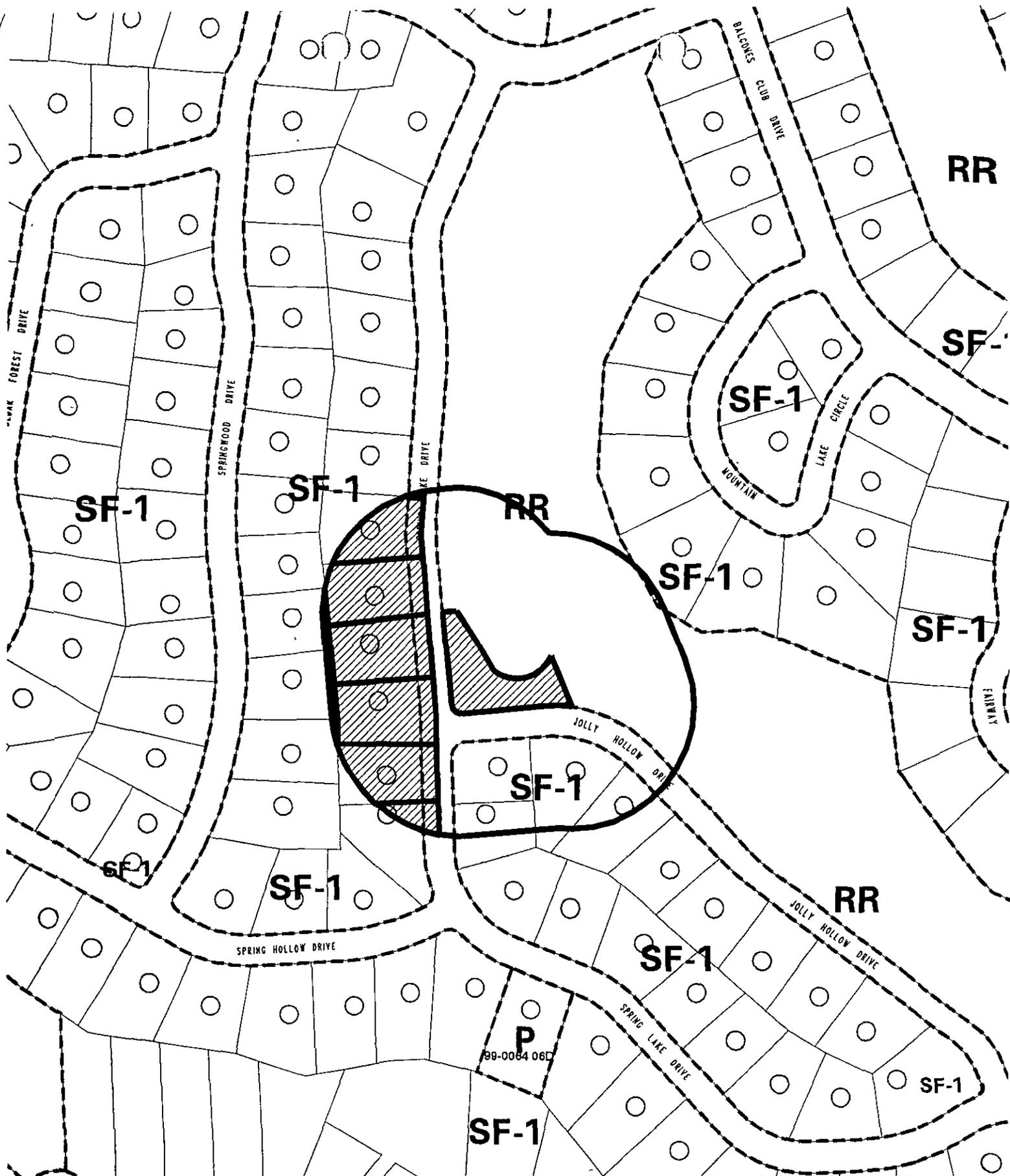
Stacy Meeks

Total Area of Petitioner:

76,673.28

Total %

29.60%



 1" = 200'	SUBJECT TRACT 	PETITIONS CASE #: C14-05-0179 ADDRESS: 9009 SPRING LAKE DR SUBJECT AREA (acres): 0.369	CITY GRID REFERENCE NUMBER F37
	PENDING CASE 		
ZONING BOUNDARY 			
CASE MGR: S SIRWAITIS			

Land ANSWERS

Land Development Consulting Services

611 South Congress Avenue, Suite 330

Austin, Texas 78704-1736

512/416-6611 Fax: 512/416-6610

E-mail: landanswers@sbcglobal.net

MEMORANDUM

DATE: November 30, 2006
TO: Sherri Sirwaitis
FROM: Larry Hearold
RE: Case # C14-05-0179 Spring Lake Drive

Received

11/30/06

COPY

Sherri,

Attached is a copy of the field notes for Case # C14-05-0179. Please let us know when we will be scheduled for City Council on 2nd and 3rd readings.

Thanks,

Larry Hearold

Larry Hearold

Exhibit "A"

METES AND BOUNDS DESCRIPTION

Being all that certain 0.3689 acre tract or parcel of land out of and part of that certain 1.3474 acre tract situated in the JAMES C. IRVINE SURVEY NO. 122, Travis County, Texas, as described in Deed to Rahul Deshmukh recorded in Document No. 2005121458, Travis County Official Public Records (TCOPR), and being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron rod found marking the most Northerly apex corner of said 1.3474 acre tract, same being located in the East right-of-way line of Spring Lake Drive (60 feet in width), same being an interior corner of that certain 13.47 acre tract as described in Deed to Balcones Country Club Membership Association, Inc. as recorded in Volume 12960, Page 664, Travis County Real Property Records;

THENCE, South 19°00'00" East, with the common line of said 13.47 acre and said 1.3474 acre tract, a distance of 479.01 feet to a point for corner and the POINT OF BEGINNING hereof;

THENCE, with the following four (4) courses and distances:

- (1) In a Southwesterly direction along the arc of a curve to the right, having a radius of 62.00 feet, a chord bearing and distance of South 77°53'45" West- 97.83 feet to a point of compound curvature;
- (2) In a Northwesterly direction along the arc of a curve to the left, having a radius of 750.00 feet, a chord bearing and distance of North 29°26'55" West- 54.46 feet to a point of tangency;
- (3) North 31°31'45" West- 59.94 feet; and
- (4) South 86°19'05" West- 22.00 feet to a point for corner in the said East right-of-way line of Spring Lake Drive;

THENCE, South 03°40'56" East, with the said East right-of-way line of Spring Lake Drive, a distance of 105.00 feet to an iron rod found for point of curvature;

THENCE, in a Southeasterly direction along the arc of a curve to the right, having a radius of 1463.10 feet, a chord bearing and distance of South 02° 51'40" East-41.93 feet to an iron rod found for point of reverse curvature;

THENCE, in a Southeasterly direction along the arc of a curve to the left, having a radius of 19.45 feet, a chord bearing and distance of South 47° 37'54" East-27.83 feet to an iron rod found for point of tangency;

THENCE, North 86°49'06" East, and with the North right-of-way line of Jolly Hollow Drive (50 feet in width), a distance of 132.05 feet to an iron rod found for point of curvature;

THENCE, in a Southeasterly direction along the arc of a curve to the right and with the said North right-of-way line of Jolly Hollow Drive, said curve having a radius of 221.73 feet, a chord bearing and distance of South 87° 43'48" East-43.17 feet to an iron rod found marking the Southeast corner of said 1.3474 acre tract;

THENCE, North 19°00'00" West, with the said East line of the 1.3474 acre tract, a distance of 88.00 feet to the POINT OF BEGINNING hereof and containing 0.3689 acres of land.

BASIS OF BEARINGS: Document No. 2005121458, TCOPR.

Compiled By:

Robert M. Sherrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
November 29, 2006
GEO Job No. 0511347



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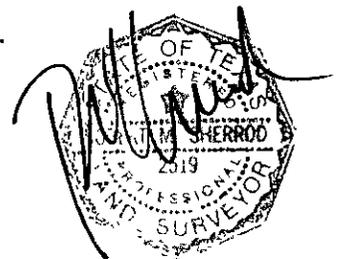
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November 29, 2006
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